

# ***Exhibit D***

*(Notice of Abandonment mailed 10/21/2004)*



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09305.815	05/04/1999	THOMAS C. CLARK	04860.P2297	2670

7590 10/21/2004

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
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EXAMINER

LEFKOWITZ, SUMATI

ART UNIT

PAPER NUMBER

2112

RECEIVED

DATE MAILED: 10/21/2004

OCT 28 2004

BLAKELY, SOKOLOFF TAYLOR & ZAFMAN LLP  
LOS ANGELES

Please find below and/or attached an Office communication concerning this application or proceeding.

Date 1/21/2005 Client: Apple Computer, Inc.

Docket Initials ny 4860.P2297

Dock. Sup. Initials \_\_\_\_\_

Atty Initials \_\_\_\_\_ JCS AMH

Pat/Ser/Reg 305815

39 x

## Description:

Deadline to revive abandoned application

10/28/2004

Natalie Adair

338289

Date 12/21/2004 Client: Apple Computer, Inc.

Docket Initials ny 4860.P2297

Dock. Sup. Initials \_\_\_\_\_

Atty Initials \_\_\_\_\_ JCS AMH

Pat/Ser/Reg 305815

39r

## Description:

Reminder: Deadline to revive abandoned application is 1/21/05

10/28/2004

Natalie Adair

338290

PTO-90C (Rev. 10/03)

cc: Apple 11-3-04


**UNITED STATES DEPARTMENT OF COMMERCE**  
**United States Patent and Trademark Office**

 Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09305815

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED:

### NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
- ☐ A reply (with Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_ which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.  
 (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ A reply was received on \_\_\_\_\_, but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).
- ☐ No reply has been received.
- ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85) (or Notice of Publication Fee Due).
- ☐ The submitted fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.  
 The issue fee by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required, by 37 CFR 1.18(d) is \$ \_\_\_\_\_.
- ☐ The issue fee and publication fee, if applicable, have not been received.
- ☒ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
- ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
- ☒ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below: \_\_\_\_\_

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.